

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW
YORK,

Plaintiff,

v.

NORTONLIFELOCK INC.,

Defendant.

Civil Action No. 3:13-cv-00808-MHL

**DECLARATION OF DUSTIN F. GUZIOR IN SUPPORT OF COLUMBIA'S
MEMORANDUM IN OPPOSITION TO NORTON'S MOTION TO STRIKE
PORTIONS OF THE REPORTS AND TO EXCLUDE TESTIMONY
OF DR. ERIC COLE AND DR. RYAN SULLIVAN**

DUSTIN F. GUZIOR hereby declares under penalty of perjury as follows:

1. I am an attorney at the law firm Sullivan & Cromwell LLP, counsel to Plaintiff The Trustees of Columbia University in the City of New York ("Columbia") in the above-captioned action. I am a member in good standing of the Bar of the State of New York and am admitted *pro hac vice* in the Eastern District of Virginia for purposes of this action. I submit this declaration in support of Columbia's memorandum in opposition to NortonLifeLock Inc.'s ("Norton") motion to strike portions of the reports and to exclude testimony of Dr. Eric Cole and Dr. Ryan Sullivan. I have personal knowledge of the facts set forth in this declaration, and if called as a witness, could testify competently to such facts under oath.

2. Attached as Exhibit 1 is a true and correct copy of excerpts of the Updated Report of Dr. Eric Cole, dated August 26, 2019 (filed under seal).

3. Attached as Exhibit 2 is a true and correct copy of an excerpt of a presentation produced by Norton to Columbia in this litigation titled “Norton 360 v6 CCP,” dated May 19, 2011 (filed under seal).

4. Attached as Exhibit 3 is a true and correct copy of excerpts from the transcript of the February 15, 2019 Rule 30(b)(6) deposition of Dermot Wall (filed under seal).

5. Attached as Exhibit 4 is a true and correct copy of an entry on the Norton Protection Blog titled “SONAR 3: A new level of behavioral security in Norton 2011,” dated April 23, 2010, which was accessed at <https://community.norton.com/en/blogs/norton-protection-blog/sonar-3-new-level-behavioral-security-norton-2011>.

6. Attached as Exhibit 5 is a true and correct copy of an excerpt of a presentation produced by Norton to Columbia in this litigation titled “STAR Spring Technology Update,” dated April 21, 2012 (filed under seal).

7. Attached as Exhibit 6 is a true and correct copy of an excerpt of a presentation produced by Norton to Columbia in this litigation titled “BASH 6,” dated February 25, 2009 (filed under seal).

8. Attached as Exhibit 7 is a true and correct copy of an article produced by Norton to Columbia in this litigation titled “SONAR 2,” dated July 9, 2009 (filed under seal).

9. Attached as Exhibit 8 is a true and correct copy of a paper titled “Adaptive Behavior-Based Malware Protection,” dated April 26, 2014.

10. Attached as Exhibit 9 is a true and correct copy of excerpts of the Report of Dr. Trent Jaeger, dated October 10, 2019 (filed under seal).

11. Attached as Exhibit 10 is a true and correct copy of excerpts from the transcript of the January 16, 2020 deposition of Dr. Trent Jaeger (filed under seal).

12. Attached as Exhibit 11 is a true and correct copy of excerpts from the transcript of the October 3, 2014 Rule 30(b)(6) deposition of Barry Laffoon (filed under seal).

13. Attached as Exhibit 12 is a true and correct copy of excerpts of the Rebuttal Report of Dr. Michael Bailey, dated November 18, 2019 (filed under seal).

14. Attached as Exhibit 13 is a true and correct copy of excerpts of the Reply Report of Dr. Eric Cole, dated November 18, 2019 (filed under seal).

15. Attached as Exhibit 14 is a true and correct copy of excerpts from the transcript of the January 10, 2020 deposition of Dr. Eric Cole (filed under seal).

16. Attached as Exhibit 15 is a true and correct copy of an excerpt of a presentation produced by Norton to Columbia in this litigation titled “STAR Protection – Revolutionizing Protection Enterprise and Consumer Customers,” dated March 25, 2013 (filed under seal).

17. Attached as Exhibit 16 is a true and correct copy of an excerpt of a presentation produced by Norton to Columbia in this litigation titled “STAR Protection – Revolutionizing Protection for Norton 2013 and SEP Jaguar,” dated August, 17, 2012 (filed under seal).

18. Attached as Exhibit 17 is a true and correct copy of excerpts of a presentation produced by Norton to Columbia in this litigation titled “Amber [SEpv12.1] Concept Checkpoint,” dated October 1, 2009 (filed under seal).

19. Attached as Exhibit 18 is a true and correct copy of excerpts of a presentation produced by Norton to Columbia in this litigation titled “NAV/NIS 2010 Concept Checkpoint,” dated March 5, 2014 (filed under seal).

20. Attached as Exhibit 19 is a true and correct copy of an email produced by Norton to Columbia in this litigation from Gerry Egan to Patrick Gardner, Shane Pereira, and Jim Waggoner, dated October 7, 2009 (filed under seal).

21. Attached as Exhibit 20 is a true and correct copy of an email produced by Norton to Columbia in this litigation from Patrick Gardner to Sourabh Satish and Gerry Egan, dated September 16, 2010 (filed under seal).

22. Attached as Exhibit 21 is a true and correct copy of an excerpt of a presentation produced by Norton to Columbia in this litigation titled “BASH and SONAR2 Overview,” dated March 30, 2010 (filed under seal).

23. Attached as Exhibit 22 is a true and correct copy of an entry on the NortonLifeLock Blog titled “How Symantec Aced the AV-Test – Again,” dated February 21, 2019, which was accessed at <http://www.nortonlifelock.com/blogs/feature-stories/how-symantec-aced-av-test-again>.

24. Attached as Exhibit 23 is a true and correct copy of an email produced by Norton to Columbia in this litigation from Archana Rajan to Everett Lai, dated April 18, 2013 (filed under seal).

25. Attached as Exhibit 24 is a true and correct copy of excerpts from the transcript of the January 31, 2019 Rule 30(b)(6) deposition of Archana Rajan (filed under seal).

26. Attached as Exhibit 25 is a true and correct copy of excerpts from the transcript of the February 7, 2019 Rule 30(b)(6) deposition of Jokul Tian (filed under seal).

27. Attached as Exhibit 26 is a true and correct copy of excerpts from the transcript of the September 24, 2014 Rule 30(b)(6) deposition of Shane Pereira (filed under seal).

28. Attached as Exhibit 27 is a true and correct copy of an excerpt from the transcript of the September 30, 2014 Rule 30(b)(6) deposition of Mark Kennedy (filed under seal).

29. Attached as Exhibit 28 is a true and correct copy of an entry on the Symantec Official Blog titled “Machine Learning: New Frontiers in Advanced Threat Detection,” dated November 9, 2016, which was accessed at <http://www.symantec.com/connect/blogs/machine-learning-new-frontiers-advanced-threat-detection>.

30. Attached as Exhibit 29 is a true and correct copy of excerpts of the Report of Dr. Michael Bailey, dated August 26, 2019 (filed under seal).

31. Attached as Exhibit 30 is a true and correct copy of excerpts from the transcript of the January 8, 2020 deposition of Dr. Michael Bailey (filed under seal).

32. Attached as Exhibit 31 is a true and correct copy of the CV of Dr. Eric Cole, dated August 26, 2019.

33. Attached as Exhibit 32 is a true and correct copy of an excerpt of a presentation produced by Norton to Columbia in this litigation titled “Norton 360 4.0 Concept Checkpoint,” dated June 16, 2009 (filed under seal).

34. Attached as Exhibit 33 is a true and correct copy of an excerpt of a presentation produced by Norton to Columbia in this litigation titled “Cloud Generation Endpoint,” dated October 16, 2017 (filed under seal).

35. Attached as Exhibit 34 is a true and correct copy of an excerpt of a presentation produced by Norton to Columbia in this litigation titled “Symantec Sales Experts,” dated October 16, 2017 (filed under seal).

36. Attached as Exhibit 35 is a true and correct copy of excerpts from the transcript of the January 8, 2020 deposition of Dr. Ryan Sullivan (filed under seal).

37. Attached as Exhibit 36 is a true and correct copy of excerpts of the Report of Dr. Ryan Sullivan, dated August 26, 2019 (filed under seal).

38. Attached as Exhibit 37 is a true and correct copy of excerpts of the Report of Dr. Eric Cole, dated October 17, 2014 (filed under seal).

39. Attached as Exhibit 38 is a true and correct copy of excerpts of the Rebuttal Report of Mr. Mark Hosfield, dated October 10, 2019 (filed under seal).

40. Attached as Exhibit 39 is a true and correct copy of excerpts of the Reply Report of Dr. Ryan Sullivan, dated November 18, 2019, as corrected by errata served on November 22, 2019 (filed under seal).

41. Attached as Exhibit 40 is a true and correct copy of excerpts from the transcript of the May 1, 2019 Rule 30(b)(6) deposition of Pedro Reyes (filed under seal).

42. Attached as Exhibit 41 is a true and correct copy of an excerpt of a presentation produced by Norton to Columbia in this litigation titled “STAR Planning Check Point – BASH 6.3,” dated November 15, 2010 (filed under seal).

43. Attached as Exhibit 42 is a true and correct copy of excerpts from the transcript of the March 6, 2019 Rule 30(b)(6) deposition of Linda Brennan (filed under seal).

44. Attached as Exhibit 43 is a true and correct copy of video screenshots of Azure Content Development Network for Web Applications, which was accessed at <https://azure.microsoft.com/en-us/resources/videos/azure-cdn-for-web-applications/>.

45. Attached as Exhibit 44 is a true and correct copy of excerpts of Symantec Corporation's Corrected Objections and Supplemental Responses to Columbia's Sixth Set of Interrogatories, dated March 21, 2019 (filed under seal).

46. Attached as Exhibit 45 is a true and correct copy of an excerpt from the transcript of the September 26, 2014 Rule 30(b)(6) deposition of Carey Nachenberg (filed under seal).

47. Attached as Exhibit 46 is a true and correct copy of an excerpt from the transcript of the January 25, 2019 deposition of David Kane (filed under seal).

48. Attached as Exhibit 47 is a true and correct copy of excerpts from the transcript of the July 19, 2019 Rule 30(b)(6) deposition of Fauzia Khan (filed under seal).

49. Attached as Exhibit 48 is a true and correct copy of the errata sheet for the July 19, 2019 Rule 30(b)(6) deposition of Fauzia Khan, dated August 26, 2019 (filed under seal).

50. Attached as Exhibit 49 is a true and correct copy of a license agreement between The Trustees of Columbia University in the City of New York and Allure Security Technology, Inc. produced by Norton to Columbia in this litigation, dated November 23, 2011 (filed under seal).

51. Attached as Exhibit 50 is a true and correct copy of an excerpt of a presentation produced by Norton to Columbia in this litigation titled "The Complete ManTrap," dated February 4, 2003 (filed under seal).

52. Attached as Exhibit 51 is a true and correct copy of an excerpt of a data sheet produced by Norton to Columbia in this litigation titled "Symantec Decoy Server 3.1," dated October 21, 2003 (filed under seal).

53. Attached as Exhibit 52 is a true and correct copy of an excerpt from the transcript of the January 23, 2020 deposition of Dr. Seth Nielson (filed under seal).

54. Attached as Exhibit 53 is a true and correct copy of a paper produced by Norton to Columbia in this litigation titled “A Look at Deception,” dated September 18, 2017 (filed under seal).

55. Attached as Exhibit 54 is a true and correct copy of an email produced by Norton to Columbia in this litigation from Calvin Chu to Sal Stolfo, Benjamin Kimes, and David Lerner, dated March 31, 2011.

56. Attached as Exhibit 55 is a true and correct copy of an email produced by Norton to Columbia in this litigation from Sal Stolfo to Delos Larson and Kathleen McKeown, dated March 25, 2010.

57. Attached as Exhibit 56 is a true and correct copy of excerpts from the transcript of the September 12, 2014 deposition transcript of Calvin Chu (filed under seal).

58. Attached as Exhibit 57 is a true and correct copy of excerpts from the transcript of the August 19, 2014 deposition of Dr. Marc Dacier (filed under seal).

59. Attached as Exhibit 58 is a true and correct copy of an email produced by Norton to Columbia in this litigation from Darren Shou to Marc Dacier, dated March 31, 2011 (filed under seal).

Executed on April 10, 2020 in New York, New York.

/s/ Dustin F. Guzior

Dustin F. Guzior